

**ORIGINAL**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAPhan Hue,

Name of Plaintiff(s)

v.

James Updike;  
Joseph Matoloni;  
Edward O'Brian;  
Dale Hazlek;

Name of Defendant(s)

1:01-CV-01064  
Civil Case No.Kane  
Judge(Number and Judge to be  
assigned by court)**FILED**  
HARRISBURG, PA

JUL 31 2001

MARY E. D'ANDREA, CLERK  
Per Deputy ClerkAPPLICATION TO PROCEED IN FORMA PAUPERIS

PLEASE READ CAREFULLY AND FULLY COMPLETE EACH SECTION.

1. ☒ I am willing to pursue my claims in this action under the provisions of The Prison Litigation Reform Act, understanding that pursuing my claim requires payment of a partial filing and deduction of sums from my prison account when funds exist until the filing fee of \$150.00 has been paid in full.
2. ☒ I have enclosed an executed Authorization form which authorizes the Institution holding me in custody to transmit to the Clerk a certified copy of my trust account for the past six (6) months as well as payments from the account in the amounts specified by 28 U.S.C. §1915(b).
3. Have you, prior to the filing of the complaint in this action and while a prisoner as that term is defined in 28 U.S.C. § 1915(h), brought more actions or appeals in a court of the United States that were dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted? Yes ☐ No ☒
  - (a) If the answer is "yes," are you now seeking relief because you are under imminent danger of serious physical injury?  
Yes N.A. No N.A.

- (b) Please explain in detail why you are under imminent danger of serious physical injury:

N.A.

4. (a) Are you presently employed at the Institution? Yes ☒ No ☐  
(b) If yes, what is your monthly compensation? \$ 70.00 approx
5. Do you own any cash or other property; have a bank account; or receive money from any source? Yes ☐ No ☒

If the answer is "yes" to any of the above, describe each source and the amount involved.

N.A.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on July 29th 2001  
(Date)

[Signature]  
(Signature of Plaintiff)

This certification is executed pursuant to Title 28, United States Code, Section 1746.